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% 17.01.2007

Present: Mr.Amit S. Chadha, Senior Advocate with
Mr.Aditya Madan, Advocate for petitioner

+CM(M) No.101/2007
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1. Though, grievance raised in the petition is to the order dated 2.8.2006 passed by the learned CMM Delhi, learned counsel for the petitioner states that the real grievance is that after passing the order dated 2.8.2006, learned CMM Delhi has repeatedly adjourned the matter.

2. To understand the grievance of the petitioner, suffice would it be to note that pursuant to an application filed by the petitioner bank invoking remedy under Section 14 of SARAFASI Act 2002, vide order dated 3.7.2006, a receiver was appointed with direction to take possession of the mortgaged property bearing No.35, Kanti Nagar, Shahdara, Delhi-110032. The receiver was directed to prepare an inventory regarding the movables lying in the premises as also to take a photograph of the premises.

3. The said order directed that objections, if any, by whomsoever concerned should be filed before the Debts Recovery Tribunal and none would be entertained by the CMM Courts.

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Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

4. Notwithstanding that, on an application filed by the respondent, vide order dated 2.8.2006, appointment of the receiver was kept on hold, in that, receiver was directed not to take possession till further orders.

5. Thereafter the matter has been repeatedly adjourned by the learned CMM, Delhi.

6. Order dated 10.1.2006 shows that the learned CMM, Delhi has posted the matter for consideration on 23.1.2007.

7. I dispose of the petition directing the learned CMM Delhi who is seized of the matter to hear arguments on the application filed by the respondent and dispose of the same on 23.1.2007.

8. If for any reasons matter cannot be taken up for consideration and disposal on 23.1.2007, it would be taken up for hearing and disposal on the next day.

9. Copy of this order be supplied dasti to learned counsel for the petitioner.

10. No costs.

PRADEEP NANDRAJOG, J

January 17, 2007
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